

UNITED STATES DISTRICT COURT AUG 17 2017

for the

SOUTHERN DISTRICT OF TEXAS

, Clerk of Court

United States of America)

v.)

Case No. M-17-1458-M

LARA-Garcia, Rolando (YOB: 1993) MEX)

CHENA-Garcia, Rafael (YOB: 1988) MEX)

LOPEZ-DeLeon, Edwin Fernan (YOB: 1997) MEX)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 8/16/2017 in the county of Hidalgo in the
SOUTHERN District of TEXAS, the defendant(s) violated:

Code Section

Offense Description

21 USC 841 (a) (1)

Knowingly and intentionally possess with
intent to distribute approximately 50
kilograms of methamphetamine, a schedule
I controlled substance.

This criminal complaint is based on these facts:

(SEE ATTACHMENT I)

☒ Continued on the attached sheet.approved by
[Signature]

Sworn to before me and signed in my presence.

Date: 8-17-17City and state: McAllen, Texas

[Signature]

Complainant's signature

Antonio De La Cruz, DEA Special Agent

Printed name and title

[Signature]

Judge's signature

Dorina Ramos, Magistrate Judge

Printed name and title

ATTACHMENT I

On August 16, 2017, U.S. Border Patrol Agents assigned to camera operations at the McAllen Tactical Operations Center observed three subjects running from a brushy area just north of the Rio Grande River in McAllen, Texas. The Agents observed the three subjects run north across a plowed, open field and into an orange grove. The Agents observed all three subjects appeared to be carrying backpacks. A Border Patrol Canine handler then deployed his canine partner, Thalia, to the area where the three subjects were last seen near the orange grove. Thalia quickly alerted to trained odor and traced the odor a few rows north of where the three subjects were last seen. Thalia located one subject hiding underneath an orange tree wearing a backpack. The two other subjects were also hiding underneath orange trees approximately two to three trees west of the first subject also carrying backpacks. Those two subjects had one backpack mounted on their front and another backpack mounted on their back. Border Patrol Agents searched the backpacks and revealed that all backpacks contained small bundles of an unknown substance wrapped in brown cellophane tape with the word "GAMESA" written on them. Border Patrol Agents arrested and advised all three subjects of their Miranda Rights. All subjects and the bundles were transported to the McAllen Border Patrol Station for processing.

The three subjects were identified as:

Rolando LARA-Garcia, DOB 7/21/1993 COB Mexico

Rafael CHENA-Garcia, DOB 10/2/1988 COB Mexico

Edwin Fernan LOPEZ-De Leon, DOB 12/14/1997 COB Mexico

Subject Rolando LARA-Garcia was found with "caltrops" in his possession. Caltrops are improvised metal spikes frequently used by smugglers in our area to disable government vehicles by deflating vehicle tires. The substance in the bundles was tested by Border Patrol Agents using a field test kit. The substance tested positive for the characteristics of methamphetamine. The total weight of the controlled substance was 50 kilograms.

On the same date, Drug Enforcement Administration (DEA) Agents responded to the McAllen Border Patrol Station to interview all three subjects.

SA Antonio De La Cruz as witnessed by SA Group Supervisor Juan Trevino read Rolando LARA-Garcia his rights in his preferred language of Spanish. LARA-Garcia advised Agents that he wanted his Attorney present before answering any question. The interview on LARA-Garcia was terminated.

SA Antonio De La Cruz as witnessed by SA Group Supervisor Juan Trevino then read Edwin Fernan LOPEZ-De Leon his rights in his preferred language of Spanish. LOPEZ-De Leon advised

ATTACHMENT I

Agents that he wanted his Attorney present before answering any question. The interview on LOPEZ-De Leon was terminated.

SA Antonio De La Cruz as witnessed by SA Group Supervisor Juan Trevino then read Rafael CHENA-Garcia his rights in his preferred language of Spanish. CHENA-Garcia acknowledged his rights, and agreed to speak with Agents. CHENA-Garcia stated that he had been recently deported back to Mexico from the United States for being an Illegal Alien. CHENA-Garcia stated that an individual only know to him as El Flaco, approached him in Reynosa, Tamaulipas, Mexico and told CHENA-Garcia that if he helped him cross some stuff into the United States, he wouldn't charge him to smuggle him to Houston, Texas. CHENA-Garcia stated he understood he would be transporting illegal drugs when referring to "stuff". CHENA-Garcia stated that El Flaco charges \$4,000.00 to smuggle someone from Reynosa, Tamaulipas to Houston, Texas. CHENA-Garcia agreed to carry two back packs with drugs across the Rio Grande River and into the United States. Once in the US, CHENA-Garcia stated that they were walking through a grapefruit orchard when he saw Border Patrol Units around them. CHENA-Garcia stated that they hid in the orchard but Border Patrol Agents found them. CHENA-Garcia stated that when Border Patrol found them, he was carrying two back packs. CHENA-Garcia also stated that the other two individuals that were with him were also carrying back packs. He stated that the individual wearing camouflage pants was carrying two back packs (Rolando LARA-Garcia was camouflage pants). He also stated that the other individual was carrying one back pack (Edwin Fernan LOPEZ-De Leon was the other individual). CHENA-Garcia stated that he did not know where they were taking the back packs to. At that point the interview on CHENA-Garcia was terminated.